

REMARKS

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of October 4, 2004 (hereinafter "Office Action").

Applicants especially appreciate the allowance of Claims 1 - 3, 5 - 11, and 20 - 22, and 24 - 27. Accordingly, the sole remaining issues are the objection to the Specification and the patentability of Claims 12 - 14 and 16 - 19. Applicants respectfully submit that the Specification is correct in light of the Preliminary Amendment that was filed August 6, 2003 with the present application. Applicants have amended Claim 12 to overcome the 35 U.S.C. §112 rejection and have amended Claim 20 to correct a wording error made in the Preliminary Amendment. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Information Disclosure Statement

Applicants wish to point out that an Information Disclosure Statement was filed with the application on August 6, 2003. Applicants respectfully request that the signed PTO-1449 form be returned with the next correspondence from the U. S. Patent and Trademark Office.

The Specification

The Office Action states that the application numbers are missing from the "Cross Reference to Related Applications" section. (Office Action, page 2). Applicants refer the Examiner to page 2 of the Preliminary Amendment that was filed August 6, 2003 in which the U. S. patent application serial numbers were provided for all of the related applications.

Claim 12 Satisfies the Requirements of 35 U.S.C. §112

Independent Claim 12 stands rejected under 35 U.S.C. §112, ¶2, as being indefinite. In particular, the Office Action states that the recitation "synchronized with the network clock using a linear interpolator" appears to have grammatical and idiomatic errors. (Office Action, page 2). To eliminate any possibility of confusion, Applicants have amended Claim 12 as follows:

...
interpolating, **using a linear interpolator**, the first and second estimates to produce interpolated digital samples having a second local sample rate that is synchronized with the network clock;

...
(emphasis added).

Applicants respectfully submit that the recitation "using a linear interpolator" clearly modifies the gerund "interpolating" in Claim 12 as amended. Applicants note that this amendment to Claim 12 has been made for purposes of overcoming a §112 rejection; therefore, no limitation of the scope of equivalents is implied.

Applicants maintain that Claim 12, as amended, complies with 35 U.S.C. §112 and respectfully requests that the §112 objection with respect to Claims 12 - 14 and 16 - 19 be withdrawn.

CONCLUSION

In light of the above amendment and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



D. Scott Moore
Registration No. 42,011

Myers Bigel Sibley & Sajovec
P.O. Box 37428
Raleigh, NC 27627
(919) 854-1400 phone
(919) 854-1401 fax

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 18, 2004.



Candi L. Riggs